



UNITED STATES DEPARTMENT OF COMMERCE  
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
033,669	04/26/79	Patrick Chung-Shu Kung	ORTH345

Leonard P. Prusak  
501 George St.  
New Brunswick, N. J. 08903

EXAMINER	
AFagelson	
ART UNIT	PAPER NUMBER
125	6

DATE MAILED:

MAILED

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

MAR 15 1980

☒ This application has been examined. ☒ Responsive to communication filed on May 25, 1979 ☐ This action is made final. **GROUP-1200**

A shortened statutory period for response to this action is set to expire 3 month(s), \_\_\_\_\_ days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- ☒ Notice of References Cited, Form PTO-892.
- ☐ Notice of Informal Patent Drawing, PTO-948.
- ☐ Notice of Informal Patent Application, Form PTO-152.
- ☐ \_\_\_\_\_

Part II SUMMARY OF ACTION

- ☒ Claims 1-21 are pending in the application.  
Of the above, claims 5-14, 19-21 are withdrawn from consideration.
- ☐ Claims \_\_\_\_\_ have been cancelled.
- ☐ Claims \_\_\_\_\_ are allowed.
- ☒ Claims 1-4, 15-18 are rejected.
- ☐ Claims \_\_\_\_\_ are objected to.
- ☒ Claims 1-21 are subject to restriction or election requirement.
- ☐ The formal drawings filed on \_\_\_\_\_ are acceptable.
- ☐ The drawing correction request filed on \_\_\_\_\_ has been ☐ approved. ☐ disapproved.
- ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has  
☐ been received. ☐ not been received. ☐ been filed in parent application, serial no. \_\_\_\_\_,  
filed on \_\_\_\_\_.
- ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
- ☐ Other

Serial No. 033,669

Art Unit 125

Restriction has been required under Rule 142  
between the following inventions:

- I. Claims 1-4, and 15-18 which are drawn to antibodies or preparation <sup>thereof</sup> <sub>^</sub>classified in Class ~~424~~ subclass 85; 260/112 R
- II. Claims 5, 6, 11 and 12 which are directed to a therapeutic compositions and treatment therewith to eliminate allograft rejection classified in class 424, subclass 85.
- III. Claims 7-10 which are directed to a hybridoma classified in class 435, subclass 172.
- IV. Claim 13 and 14 which are directed to a diagnostic test classified in class 424, subclass 12.
- V. Claim 19 which is directed to confirming the presence of cutaneous T cell lymphoma classified in class 424, subclass 12.
- VI. Claim 20 which is directed to treatment of cutaneous T cell lymphoma classified in class 424, subclass 85.
- VII. Claim 21 which is directed to treatment of T cell chronic lymphoblastic leukemia classified in class 424, subclass 85.

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Art Unit 125

The inventions as above grouped are separate and distinct because the product of Group I has various uses as exemplified by groups II, IV, -VII and may be prepared by means other than by the product of Group III, while other agents may be employed in the methods of Groups II and IV-VII.

The inventions above grouped are distinct because they have a separate status in the art, the fields of search are not co-extensive and anticipation by art as to one of the above groups will not necessarily be applicable as to the other groups.

In accordance with MPEP 812.01 a telephone call was made by Examiner Fagelson Art Unit 125 to applicants attorney Mr. GG Dellenbaugh on January 9, 1980 who provisionally elected with oral traverse the Group I invention.


To be complete, applicants response must include an affirmation of the above-mentioned provisional election, even though the requirement is traversed.

AFagelson/maw

A/C 703

557-2575

01/14/80

  
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## PART III

SERIAL  
NUMBER 33669GROUP ART UNIT  
125

## NOTIFICATION OF REJECTION(S) AND/OR OBJECTION(S) (35 USC 132)

	CLAIMS (1)	REASONS FOR REJECTION (2)	REFERENCES * (3)	INFORMATION IDENTIFICATION AND COMMENTS (4)
1	1-4,		L+N+P+Y+O	In view of the teachings of L,N,O,P,Y, no patentable merit is seen in employing the known hybridoma means taught by B,Y,O and selecting predetermined antibodies according to desired properties. Use of T cell as antigen is taught by L,Y,O
	15-18	35USC, 03	vX	
2	1-4,			Claim 1 is drafted in a confusing manner as to the antigen employed. It would appear that the myeloma cells as well as T cells are employed. Claim 4, is so broad, functional and indefinite as to be meaningless. Claim 17 while directed to the preparation of antibody, the last two steps do not note antibody production.
	17	35USC 112 par. 2	----	
3	1-4			Double patenting. Claims appear to be exact duplicats of Sn 22132 claims.
	15-18	35USC 101		
4				

5 M, Q, R, S, T, U, V, Z are cited to further show the state of the art

6 See attached Restriction Requirement

\* Capital letters representing references are identified on accompanying Form PTO-892  
 The symbol "v" between letters represents - in view of -  
 The symbol "+" or "&" between letters represents - and -  
 A slash "/" between letters represents the alternative - or -

NOTE: Sections 100, 101, 102, 103, and 112 of the Patent Statute (Title 35 of the United States Code) are reproduced on the back of this sheet.

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 ART UNIT 125